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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/978,266 | 10/15/2001 | Edward Dziedzic | 7181 | 4437 |

7590

09/17/2003

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EXAMINER

MARTIR, LILYBETT

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,266

Applicant(s)

DZIEDZIC, EDWARD

Examiner

Lilybett Martir

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8. 6) ☐ Other: .

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure. A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative. The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) **if a machine or apparatus, its organization and operation;**
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehouse (Pat. 4,294,110) in view of Krechmery (Pat. 4,574,640).

- With respect to claim 1, Whitehouse teaches a torque metering housing as in element 92, means provided upon the housing for connecting pressure lines 90 and 96 to installer 10, first and second transducers as in elements 78 and 140 for determining the pressure of said pressure lines 90 and 96, and an electronic read-out device as in element 80 connected to the torque measuring device. Whitehouse fails to disclose the utilization of a solid-state strain gage sensor to determine pressure. Krechmery teaches that the utilization of Solid-state strain gage devices is commonly known in the pressure sensing art (Col. 1, lines 6-12). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the torque measuring system of Whitehouse using the teachings of the pressure transducer of Krechmery by utilizing solid state strain gages to detect pressure therefore make said device smaller and structurally simple but yet accurate and reliable.
- With respect to claim 3, Whitehouse teaches a first transducer 140 to measure pressure from the source, a low pressure transducer as in element 78, means for converting said pressure determinations into electrical signals (Col. 4-5, lines 66-11), means for the determination of a signal difference (Col. 5, lines 11-16) and a panel meter provided upon the torque measuring device furnishes an analog read-out 80 in foot-

pounds of the amount of torque being applied by the installer 10 (Col. 6, lines 61-64).

- With respect to claim 4, Whitehouse teaches the utilization of a potentiometer circuit (Col. 7, lines 35-47) provided to calibrate the device to zero when the detected pressures are equal.

4. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehouse (Pat. 4,294,110) in view of Krechmery as applied to claim 1 above, and further in view of Haldeman (Pat. 3,789,659)

- With respect to claim 2, Whitehouse as above modified fails to teach the utilization of a toggle switch operatively connected to the device.

Haldeman teaches the utilization of a toggle switch as are elements 20,30,40,92 and 132 in his fluid monitoring arrangement, which monitors differential pressure. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the torque measuring system of Whitehouse in view of Kechmery, by further utilizing the teachings of Haldeman providing said system with a toggle switching device to therefore allow for the multiple representation of data in the same device therefore minimizing the amount of material and the cost of it.

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5. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehouse in view of Krechmery as applied to claims 1 and 3-4 above and further in view of Petrofsky et al. (Pat. 6,113,642).

- With respect to claim 5, Withehouse as modified fails to specifically teach the utilization of a battery in his electrical circuit. Petrofsky et al. teaches a hydraulic device that comprises an angle sensing mechanism that has a circuit that is powered by the voltage supplied from batteries 19. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the torque measuring system of Whitehouse in view of Kechmery, by further utilizing the teachings of Petrofsky et al. by providing said system with batteries connected to it's circuit in order to provide it with a reliable and portable source of voltage.

Citation of Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art considered pertinent during examination of the examined application is:

- Ohta et al. (Pat. 5,421,240) Autos shut-off device for oil pressure type pulse wrench.
- McCormick (Pat. 6,026,682) Coolant safety system for automated welding apparatus.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilybett Martir whose telephone number is (703)305-6900. The examiner can normally be reached on 9:00 AM to 5:30 PM.
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (703)305-4816. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.
9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

LM

Lilybett Martir
Examiner
Art Unit 2855

ELW


EDWARD LEFKOWITZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800